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CENTRAL INTELLIGENCE AGENCY




Director of Congressional Affairs

11 October 1988
OCA 88-3349/2

NOTE TO: Deputy Director for Operations
Deputy Director for Intelligence
Deputy Director for Administration
Deputy Director for Science and
Technology
Inspector General
General Counsel
Comptroller

FYI: This is the transition paper that I delivered to the Executive Director today on relations between CIA and the Congress. I am sure I will be updating it to reflect actions taken by the Congress before it adjourns at the end of this week. In that process, I would be happy to reflect any comments you may have.


John V. Helgerson

Attachment (OCA 88-3349)

D/OCA/JLH:  1 Oct 88)

Original - each addressee

1 - OCA Record

1 - JLH Chrono

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CENTRAL INTELLIGENCE AGENCY



Director of Congressional Affairs

11 October 1988
OCA 88-3349/1

NOTE TO THE EXECUTIVE DIRECTOR:

JLH
As you requested, here is
OCA's transition paper on relations
between CIA and the Congress.



John L. Helgerson

Attachment (OCA 88-3349)

D/OCA/JLH: [redacted] (11 Oct 88)

Distribution:

Original - EXDIR

- 1 - OCA Record
- 1 - JLH Chrono
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RELATIONS BETWEEN CIA AND THE CONGRESS

CIA's relationship with the Congress is less politically charged than it was two years ago. Nevertheless, inherent strains persist and important issues concerning the limits of proper Congressional oversight remain to be negotiated with the 101st Congress.

Scope of the Relationship

The DCI meets monthly with the Chairmen and Ranking Minority Members of the Senate and House Intelligence Committees, and approximately weekly with one or another Member of the Congress. In the aggregate, CIA officers provide more than 1,000 briefings per year to Members or Committees of Congress; approximately one-half of these are substantive briefings related to developments around the world, while the other half relate to the budget process, covert action programs, and other issues. The Agency sends more than 4,000 classified publications to the Hill annually and hosts visits to its installations abroad by approximately 100 Congressional or staff delegations.

This range of support is provided primarily to the Senate and House Intelligence Committees; secondarily, to the Defense Subcommittees of the Appropriations Committees, which also have oversight responsibilities; and, on a less frequent basis, to the Armed Services and Foreign Affairs Committees of each House. In all of these encounters, Agency officers are mindful of what we term the "four C's": candor, completeness, consistency, and, where necessary, corrections. At the same time, we continue to protect scrupulously the identities of the Agency's human source assets, our liaison relationships with foreign services, unevaluated intelligence reports from the field, and internal management documents.

Covert Action: Source of Most Controversy

Pursuant to NSDD 286, CIA notifies the Intelligence Committees of any new Finding or Memorandum of Notification within 48 hours of signature by the President. The two Intelligence Committees normally request briefings for the staff and, separately, of Members on each Finding within days of receipt. In addition, each Committee has a system of quarterly or other reviews of our covert action programs, and the Senate Committee has established an Audit Team that reviews selected programs in depth. The House Committee is in the process of organizing their own audit capability.

The Committees in general appear to recognize they are being fully and promptly informed about our covert action activities, but the political considerations surrounding these programs are

~~All portions classified SECRET~~

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so important to Members that their close reviews of these programs are certain to continue. In especially controversial cases, the Committees have exercised their authority to terminate or limit funding.

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Continuing Problems

Three specific problems are likely to bedevil CIA-Congressional relations in the new Congress as they did in the 100th Congress. The first and most troublesome will be the continuing trend toward Congressional micromanagement of Agency programs, ranging from covert action to personnel and benefits issues to second-guessing of our analytic conclusions. This Congressional intervention erodes Agency management flexibility and ties up thousands of man-hours.

Second, efforts continue by several Members and Committees of Congress to give the General Accounting Office (GAO) a role in auditing Agency activities. Chairman Stokes turned aside frontal assaults by GAO but, with his leaving the chairmanship and with some novel attempts to introduce GAO, this issue will demand close monitoring. Finally, non-intelligence committees continue to claim the right to receive testimony and review Agency activities. The House Judiciary Committee looking into narcotics problems has been the most persistent, but all such efforts need to be turned aside lest several committees of the Congress assume de facto oversight responsibilities.

Key Political Unknown

Speaker Wright will be appointing a new chairman of the House Intelligence Committee to replace Chairman Stokes. Although Chairman Stokes was personally opposed to certain Agency programs, he was protective of sensitive programs, avoided introducing intelligence matters into public political debate, and supported substantial personnel and financial resources for the Agency. None of these can be taken for granted until we develop a satisfactory relationship with a new Chairman.

Precedent provides no firm guide as to who the next chairman will be. The most often mentioned candidates include Anthony Beilenson and Robert Kastenmeier, both on the Committee, or David McCurdy, a former Member. Given the Speaker's strong feelings on Nicaragua, Members' views on Contra aid will clearly be the litmus test for an aspiring chairman or for Democrats wanting to join the Committee. Although operating in reverse, the same litmus test is being imposed by Minority Leader Bob Michel as he chooses a new Republican Member.

The Senate Intelligence Committee will have two or three new members in 1989, but these are likely to be less politically significant given the lack of change of either the Chairman or the Vice Chairman.

Issues Requiring Action with the 101st Congress

The Intelligence Oversight Legislation (the 48-hour Bill) growing out of the Iran-Contra events died at the end of the last Congress because of the sponsors' knowledge that they did not have the votes to override a Presidential veto and because of Speaker Wright's problems regarding disclosure of classified information on Agency activities in Nicaragua. This legislation is likely to come up early in the 101st Congress. After lengthy discussions with Agency officers, the drafters of the legislation put together a bill that the Agency can live with in all respects but one: the 48-hour provision. Because the 48-hour provision unacceptably limits the President's constitutional prerogatives, the DCI has registered his feeling that the bill should be vetoed if it passes the Congress.

Chairman Boren and Vice Chairman Cohen have recently created a controversial issue by urging that the Agency should limit its notification of the Appropriations Committees regarding Findings or Memoranda of Notification. In fact, the National Security Act of 1947 requires that the Appropriations Committees be notified in all cases involving releases from the Reserve for Contingencies, and language in the "Reports" accompanying Defense Appropriations bills in recent years has demanded that the Appropriations Committees be notified of any program where monies are to be expended. At present, the Intelligence and Appropriations Committees are attempting to work out a new understanding between themselves on this issue.

On the substantive side, narcotics, Central American issues and START monitoring are likely to be the most time-consuming and controversial issues on which we will be briefing the 101st Congress. Significant work in the START area is already underway.